

FILED

5/29/2020

Clerk, U.S. District Court
Western District of Texas
by: Y. Lujan
Deputy Clerk

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Cecil Clay BROWN

Case No.

4:20-mj-882 (DF)

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 26, 2020 in the county of Ward in the
Western District of Texas, the defendant(s) violated:*Code Section*

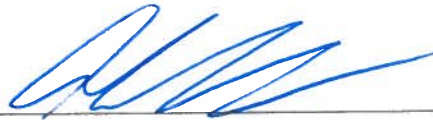
18 USC Secion 922(g)(1)

Offense Description

Felon in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Asher Schuler, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/29/2020*Judge's signature*City and state: Pecos, Texas

David Fannin, US Magistrate Judge

Printed name and title

AFFIDAVIT

I, Asher E. Schuler, being duly sworn, depose and state that:

I am a Special Agent, being duly sworn, depose and state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, assigned to the El Paso, Texas Field Office and have been so employed since January 2015. Previous to this position I was a Police Supervisor for the Temple Police Department, Temple, Texas, in which I held various assignments during my thirteen years. I am a graduate of the Federal Law Enforcement Training Center, ATF National Academy, Central Texas Police Academy, and United States Army Criminal Investigations Division (CID) Special Agent Course; as a result of my experience as an ATF / US Army CID Special Agent and Texas Police Officer, I am familiar with Federal Firearms and Narcotics Laws. Based on facts contained in this affidavit, your Affiant believes that probable cause exists that Cecil Clay BROWN, who has been previously convicted of a crime punishable by imprisonment for a term exceeding one year, possessed a firearm which had been shipped or transported in interstate commerce.

This affidavit sets forth only those facts and circumstances necessary to establish probable cause for the issuance of the requested criminal complaint. This affidavit does not contain every material fact that I have learned during the course of this investigation. The information contained in this affidavit is based on my investigation and on information provided to me by other United States law enforcement officials who conducted this investigation.

Further your Affiant states:

On May, 26, 2020, your affiant was contacted by the Captain (Cpt) Quintana of the Monahans Police Department, Monahans (MPD), Ward County, Texas in reference to BROWN fleeing from the police and ultimately being detained and found in possession of several stolen firearms. Captain. Your affiant is familiar with BROWN and knows BROWN to be a felon and prohibited from possessing a firearm.

On May 28, 2020, your affiant reviewed the MPD report in reference to the arrest of Cecil BROWN as well as the audio and video evidence from the MPD officers involved in the incident. Your affiant learned that on May 26, 2020 during the early hours of the morning, an MPD Officer observed a vehicle driving in Monahans, Texas with no rear tail lights as required by Texas law. The officer initiated a traffic stop of the vehicle and approached the driver side of the vehicle. The driver and sole occupant of the vehicle (determined to be BROWN) exited the vehicle at the officers command and the officer observed BROWN attempt to conceal an item. BROWN was also wearing a leather shoulder holster designed to conceal a firearm on your shoulder. BROWN fled the MPD officer on foot. BROWN was placed into handcuffs after attempting to enter a residence while be told by MPD officers to comply with commands.

A search of BROWN's person revealed a Kimber model Compact CDP, .45 caliber handgun, bearing serial number KC19242. A search of the weapon in the National Instant Criminal Background Center (NCIC) revealed the firearm to be stolen

The vehicle BROWN had been driving when stopped by MPD was searched due to the smell of fresh burnt marihuana. A search of the vehicle revealed a quantity of suspected marihuana, a quantity of suspected methamphetamines, and an additional firearm described as a Taurus, model PT 1911, .45 caliber handgun bearing serial number NMU14432. A check of NCIC revealed that firearm to be stolen as well.

On May 28, 2020, your affiant received verbal confirmation from ATF Special Agent Anderson the Kimber model Compact CDP, .45 caliber handgun, bearing serial number KC19242 and the Taurus, model PT 1911, .45 caliber handgun bearing serial number NMU14432 where not manufactured in Texas.

On May 29, 2020, your affiant reviewed conviction documents generated in reference to Cecil Clay BROWN. Review of the documents revealed the following:

Judgement of Conviction by Court, 143rd District Court of Ward County, Texas, Criminal Cause number 97-03-3911-CRW, for the offense of delivery of a controlled substance, a felony crime punishable by more than one year in prison

Judgement of Conviction by Court, 143rd District Court of Ward County, Texas, Criminal Cause number 01-012-04431-CRW, for the offense of delivery of a controlled substance, a felony crime punishable by more than one year in prison

Judgement of Conviction by Court, 143rd District Court of Ward County, Texas, Criminal Cause number 14-04-5501-CRW, for the offense of possession of a controlled substance, a felony crime punishable by more than one year in prison

Judgement of Conviction by Court, 143rd District Court of Ward County, Texas, Criminal Cause number 14-08-05534-CRW, for the offense of possession of a controlled substance, a felony crime punishable by more than one year in prison

Judgement of Conviction by Court, 109thrd District Court of Winkler County, Texas, Criminal Cause number 5021, for the offense of theft, a felony crime punishable by more than one year in prison.

Based on the aforementioned facts and circumstances, your Affiant believes probable cause exists that Cecil BROWN unlawfully possessed a firearm in violation of 18 U.S.C. § 922(g)(1).

FURTHER THE AFFIANT SAYETH NOT.



Asher E Schuler, Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn to me this 29th day of May, 2020

A handwritten signature in black ink, appearing to read 'David Fannin', written over a horizontal line.

David Fannin
United States Magistrate Judge